REMARKS

The present remarks are in response to the final Office Action dated October 21, 2005, in which the Examiner rejected claims 1-12. Applicant has amended claim 1 which Applicant believes would place the claims into condition for allowance. Applicant respectfully responds to the Examiner's Detailed Action and requests the Examiner place all claims detailed in the application in a state of allowance.

A. Rejection under 35 USC 103(a)

The Examiner has rejected claims 1-12 under 35 USC 103(a) as being unpatentable over Richter, German Patent 1918055A (hereinafter referred to as "Richter") in view of Sirola et al., U.S. Patent No. 6,415,138 (hereinafter referred to as "Sirola") . Applicant respectfully disagrees with the Examiner's arguments, however, to expedite the prosecution of this patent application, Applicant has amended the claims as discussed below.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.
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> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. ***(Section 2143, MPEP Rev. 2.0, May 2004, pg. 2100-129.)***

Independent claim 1 has been amended to further specify "a housing having a key opening *and a transparent area integrally associated with the housing;* ... a graphical element positioned adjacent the key opening and on the transparent area, the graphical element being indicative of a key function." As stated above, to establish a *prima facie* obviousness rejection, the Examiner's prior art must teach or suggest all claim limitations.

Richter does not disclose either a housing having a key opening or a transparent area integrally associated with the housing. Rather, in FIG. 2, Richter describes a plastic part 100 made of a transparent plastic which corresponds to the designs of the display field covers 11 or 11' as shown in Figures 1b or 1d (see also, Richter page 8, 3rd paragraph). However, Richter's display field cover 11 or the plastic part 100 are not integral to Richter's top housing shell 3, as required by amended claim 1. To the contrary, the top housing shell 3 and the transparent plastic part are separate and distinct elements of Richter's mobile communications terminal. Therefore, Richter does not describe a transparent area which is integral to a mobile housing as specified by claim 1.

Moreover, Richter does not describe or suggests a graphical element positioned on the transparent area. None of Richter's elements, i.e., Richter's plastic part 100, display field cover section 101, or logo carrier section 103, include any graphical element positioned adjacent any key opening, much less describe a graphical element being indicative of a key function. Again, Richter's transparent area merely serves as a removable display cover to be inserted into the top housing shell of the mobile terminal. The only graphical element described in Richter is the implementation of an illuminated logo using a logo carrier section 103 (see Richter, page 9, 2nd paragraph) which cannot be equated with Applicant's recited graphical element positioned adjacent a key opening on a transparent area.

The Examiner acknowledges that Richter does not disclose graphical elements on the transparent area being indicative of a key function. Thus, Sirola is cited as providing these missing features. However, although Sirola describes key numbers associated with functions, these references would not motivate one skilled in the art to arrive at the features as recited in amended claim 1.

In the passages indicated by the Office Action, Sirola describes a touch sensitive display 3 which includes a number of activation areas 3b-3d, which in turn interacts with a plastic cover part 4. This plastic cover part 4 further includes a transparent activation means 5 which is pressed by the user when the cover part 4 is in a closed position, to press through to the touch sensitive activation areas 3b-3d. This way, Sirola's device can be used with a closed cover.

Sirola's activation means 5, however, cannot be equated with a housing having a transparent area. Even if we were to assume, *arguendo*, that Sirola's housing 2 and the plastic cover part 4 and activation means 5 were to be integrally associated, activation means 5 includes no graphical elements positioned anywhere adjacent any key openings, nor does it describe any graphical element being indicative of a key function.

In fact, within the same passages indicated, it is the plurality of activation areas 3b-3d located in the touch sensitive display 3 which, in fact, corresponds to a key number and a function, and not the activation means 5 (see Sirola, col. 5, lines 47-50). Indeed, the activation means 5 (in conjunction with the cover part 4) should not be misunderstood as being also part of the activation areas 3b-3d of the touch sensitive display 3. They are separate elements of Sirola's device:

> With reference made to FIGS. 1 and 2, a wireless communication device 1 of the invention, referred to as a device 1, comprises a housing 2 and a touch sensitive display 3 coupled to the housing 2. The touch sensitive display 3 is e.g. an LCD display (Liquid Crystal Display), which recognizes also a very slight touch... This touch sensitive display 3 comprises preferably a plurality of activation areas 3b-3d for activating the functions of the device 1 by touching the activation areas 3b-3d...The device 1 further comprises a cover part 4 coupled to the housing 2 and arranged to be movable in relation to the touch sensitive display 3, which cover part 4 comprises at least one activation means 5. ***(Sirola, col. 4, lines 34-63).***

However, neither the plurality of activation areas 3b-3d nor the touch sensitive display 3 can be equated with a housing having a transparent area as specified by claim 1. As noted above, the touch sensitive display 3 and its corresponding activation areas 3b-3d are made of an LCD screen panel.

Furthermore, there is no reason why one, provided with Sirola's description of using a plastic cover and activation means to more effectively use a touch sensitive screen, would ever be motivated to replace Richter's display field cover 11 or the plastic part 100 with Sirola's plastic cover. Nowhere in Richter or Sirola, is there any suggestion or motivation whatsoever to employ a housing integrally associated with a transparent area with a graphical element positioned on the transparent area, as

recited by claim 1. Again, this combination would in fact render Richter's communication terminal inoperable at the very least and undesirable.

Therefore, neither Richter nor Sirola describes or suggests any graphical element positioned adjacent the key opening and on the transparent area with the graphical element being indicative of a key function, as recited by amended claim 1.

The Examiner also rejected claim 11 as being anticipated by Richter. Applicant respectfully disagrees. Applicant submits that Richter, either alone or in combination with any other reference, does not describe or suggest all the limitations of claim 11. Claim 11 requires a "translucent housing" with an opaque coating with graphical elements providing a negative image within said coating. As discussed above, Richter does not disclose a translucent housing nor any graphical elements located on the translucent housing. Rather, Richter discloses a separate display field cover that can be made of transparent plastic, which is inserted into the housing shell and which is not part of the top housing shell. Therefore, Richter does not render claim 11 unpatentable.

The Examiner further rejected claim 12 as being anticipated by Richter. Again, as discussed above, Richter fails to teach all the limitations of claim 12. Claim 12 recites, *inter alia*, "at least the front portion of said housing formed from light transmitting material; an opaque layer covering selected portions of said light transmitting housing front portion defining the edges of graphical elements." However, Richter does not describe or suggest a front housing formed from light transmitting material much less an opaque layer covering selected portions of the housing front portion defining the edges of graphical elements. As discussed above, Richter discloses the use of separate, distinct display field covers, which can be attached or inserted into the housing display: "...a display field over 11' is inserted from behind into display field housing section 13." (see Richter English translation, page 6, 6th paragraph).

Accordingly, the limitations of independent claims 1, 11 and 12 are not taught or suggested by Richter in view of Sirola. Since independent claim 1 overcomes the 35 USC §103 rejection, Applicant respectfully submits that each of claims 2-10 overcome the obviousness rejection by way of their dependencies.

B. Conclusion

For all of the foregoing reasons, allowance of claims 1-12 is respectfully requested.

Respectfully Submitted,

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